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The situation in Afghanistan and its implications for international peace and security

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

Security Council
Sixtieth year

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Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

Report of the Secretary-General

Summary

The benchmarks set out in the political agenda of the Bonn Agreement of 5 December 2001 will have been met with the holding of parliamentary (or Wolesi Jirga) and provincial council elections on 18 September this year. Preparations for the forthcoming elections are on track, with the completion of candidate nominations, the challenge and vetting period, and voter registration. Civic education efforts are ongoing and the official campaign period will start one month prior to election day. Funding however, continues to be a crucial factor for keeping the elections on track and some $31 million is urgently required to fill a funding gap and avoid any delay in the holding of the elections.

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Although significant gains have been made in meeting the objectives of the political agenda, the implementation of the institutional agenda of the Bonn Agreement has been uneven across sectors. Institution-building continues to be a challenge. Many critical State institutions at both the national and provincial levels remain weak and susceptible to corruption. Efforts to reform security sector institutions have enjoyed varying degrees of success. With the successful completion of the disarmament and demobilization components of the disarmament, demobilization and reintegration programme, additional support of some $21 million will be required to complete the ongoing reintegration efforts and to implement the successor programme established to disband illegal armed groups. The Afghan National Army will reach its target strength of 43,000 by September 2007, three years ahead of schedule. The current plan provides for the training of 62,000 Afghan National Police by the end of this year. So far, over 40,000 police officers have been trained and significant funding has been proposed for a major new police reform and mentoring programme. In spite of the efforts of Afghanistan's counter-narcotic forces, the cultivation of and trade in narcotics remain one of the greatest threats to the establishment of the rule of law and effective governance in Afghanistan. If left unchecked, the fragile democratization and State-building achievements attained so far will be undermined. Reform in the justice sector has been relatively slow, hampered by lack of capacity, poor infrastructure and communications, and the difficulty of integrating legal reform with mechanisms of traditional justice. The Government has taken some steps to address public-sector and civil service reform. However, sufficient resources have not been dedicated to developing effective provincial administrations, responsive to the central Government. The Afghan Independent Human Rights Commission has had a positive impact on the protection and promotion of human rights; this impact is likely to be sustained in view of the Commission's current presence in 11 locations throughout the country.

The past three and a half years have seen significant economic growth in urban centres, as well as an improvement in food security; yet, despite these achievements, the reconstruction process has been hampered by the uncertain security situation, which, coupled with an underdeveloped legal and regulatory framework, continues to discourage private sector investment. Estimates show that State revenues will average less than $400 million per year until 2008 — less than half of projected expenditures for public sector salaries and operations. Despite extensive international assistance to Afghanistan, a smooth transition from relief to recovery has been hindered by years of drought, internal displacement, land rights issues, urban pressures due to a large returnee influx and, more recently, severe flooding in certain districts. The Administration's disaster response mechanisms have grown increasingly effective and have taken on additional responsibilities for disaster relief and humanitarian assistance.

The security situation in Afghanistan continues to be of paramount concern. There is an increase in the sophistication of weapons used and in the type of attacks being carried out by insurgents and anti-government elements, especially in the south and parts of the east of the country. To help contain any upsurge in violence in the period leading up to the elections and beyond, various measures (modelled on those developed during last year's presidential elections) have been put in place by the international military forces and the Transitional Administration.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 59/112 A and B of 8 December 2004 and Security Council resolution 1589 (2005) of 24 March 2005. It provides an overview of the progress made in the implementation of the Bonn Agreement with particular emphasis on the period since the issuance of the previous report, dated 18 March 2005 (A/59/744-S/2005/183). During this period, the Security Council received an oral briefing on 24 June 2005 (see S/PV.5215).

II. Implementation of the Bonn Agreement

A. The political agenda of the Bonn Agreement

2. The parties to the Bonn Agreement committed themselves to a political process that stressed the right of Afghans to determine freely their own political future. The Bonn process mapped a step-by-step transition towards increasingly legitimate power structures, culminating in the establishment of a fully representative and freely elected government.

3. The first step was completed with the establishment of the Afghan Interim Authority on 22 December 2001 under the chairmanship of Hamid Karzai. The members of the authority were selected from and by the participants in the Bonn talks. The Interim Authority exercised sovereignty for a period of six months and established the basic institutions mandated by the Bonn Agreement.

4. An emergency Loya Jirga (grand assembly) to appoint a transitional administration was held in June 2002. While the process of selecting delegates was subjected to both political pressure and intimidation, the 1,500 emergency Loya Jirga delegates (including over 200 women) ultimately constituted a representative sampling of Afghan society and its political balance. The assembly elected Hamid Karzai to head the Transitional Administration.

5. More broadly based than the Interim Authority, the Transitional Administration launched the reform of key ministries and public administration at the national and local levels. It adopted legislation addressing critical issues such as the media, banking, customs and investment. A country-wide currency exchange was completed in January 2003, introducing a new currency controlled exclusively by the Central Bank, thereby providing a basis for economic stability. Nevertheless, insecurity continued to limit the Administration's reconstruction and development efforts, as well as its ability to expand its authority across the country.

6. The next step in the political transition was completed with the holding of a constitutional Loya Jirga in December 2003 and January 2004. Most CLJ delegates were indirectly elected by ELJ district representatives or by special constituencies; 52 were appointed by the President. Of the 502 total delegates, 103 were women. The Constitution adopted by constitutional Loya Jirga on 4 January 2004 establishes a unified Islamic State based on the rule of law. It provides for a political system that is presidential in nature, but with a large degree of parliamentary oversight. Further, it enshrines the equality of men and women and promotes women's political

participation by guaranteeing them at least 25 per cent of the seats in the lower house of parliament.

7. Under the terms of the Bonn Agreement, national elections were to be held in June 2004. However, a number of legal and technical difficulties, as well as a concern that the failure of many Afghans to disarm would prejudice the conduct of the parliamentary elections, led the Joint Electoral Management Body to delay the presidential election until 9 October 2004 and parliamentary elections until the spring of 2005. The presidential election was contested by 18 candidates, including one woman. Polling day was marked by a high turnout of voters (70 per cent) and an absence of major security incidents. Allegations of serious irregularities raised by a number of candidates were investigated by an independent panel of experts, which concluded that they did not materially affect the outcome. President Karzai won the election with 55.4 per cent of the vote. His inauguration on 7 December 2004 was followed by the formation, on 23 December 2004, of a new cabinet, selected in conformity with the Constitution's requirements and with a view to achieving ethnic balance.

8. As indicated above, parliamentary elections were to have been held in the spring of 2005. In my previous report (A/59/744-S/2005/183, paras. 4-14) a number of technical difficulties that jeopardized this time frame were mentioned. Ultimately, those difficulties could not be surmounted and on 19 March the Joint Electoral Management Body decided to postpone the elections until 18 September 2005.

9. On 27 April 2005, President Karzai signed a revised electoral law. The law required the Central Statistics Office to release a set of population figures province by province. These were used by the Joint Electoral Management Body to allocate seats for both the Wolesi Jirga (249 seats, including 10 seats reserved for the nomadic Kuchi population) and the 34 provincial councils (420 seats). There was renewed debate on the single non-transferable vote electoral system chosen provided for in the original electoral law, with some political figures favouring proportional representation. In the end, the Transitional Administration, henceforth referred to as the Government, retained the single non-transferable vote and referred further debate on the electoral system to the future parliament.

10. With the legal framework in place, candidate nominations were filed between 30 April and 26 May 2005. Despite a tense security situation in many parts of the country, over 6,000 Afghans (including more than 600 women) completed the procedures to become candidates for either the Wolesi Jirga or the provincial councils. A sufficient number of nominations were received from women candidates to fill their reserved quota of seats, except in provincial council elections in the three provinces of Nangarhar, Oruzgan and Zabol. In accordance with the electoral law, the unfilled female quota of council seats in these provinces will remain vacant until the next elections.

11. From 4 to 9 June, provisional candidate lists were widely displayed. Voters were given the opportunity to challenge any candidate through the Electoral Complaints Commission, an independent body established under the revised Electoral Law to adjudicate all complaints concerning the electoral process. The Commission announced on 2 July that it had received 1,144 challenges against 557 candidates, including 208 candidates accused of commanding or belonging to illegal armed groups.

12. The scarcity of written criminal records in Afghanistan made it impossible to prove the guilt of any candidate with respect to specific criminal activities or human rights abuses. Consequently, the Electoral Complaints Commission drew upon the substantial body of information accumulated by national and international institutions since 2001 to disqualify provisionally the 208 candidates reported to have links with illegal armed groups. They were given an opportunity to respond to the findings of the Commission. They were also given the opportunity to disarm voluntarily, in accordance with the law, by 7 July. A number of candidates chose this second course of action. Of the 7,281 weapons collected by that date, 4,052 were handed in by candidates.

13. On 11 July, the Electoral Complaints Commission provided the Joint Electoral Management Body with a list of 17 candidates who were disqualified. Of this number, 11 were disqualified for failing to disarm or having links with illegal armed groups. In addition to the disqualifications, over 200 candidates withdrew from the electoral process for a variety of reasons, ranging from the formation of alliances with other candidate(s) to an unwillingness to participate in voluntary disarmament. On 12 July, the Joint Electoral Management Body issued the final list of some 5,800 candidates. The Electoral Complaints Commission retains the right, until the day the election results are certified, to exclude any further candidate, based on new information which proves that that candidate is in violation of the Electoral Law.

14. A voter registration drive took place between 25 June and 21 July. It provided unregistered Afghans with a chance to register and registered voters with a chance to update the details on their registration cards. To register returning refugees, registration sites have been established inside six returnee "encashment" centres located in Herat, Kabul, Zaranj, Nimruz, Kandahar and Nangarhar. These centres provide returning refugees with cash assistance and are managed by the Government with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR). They will remain open for registration until one week before the elections. By 25 July 2005, some 1.5 million new voters had been registered, 160,000 lost cards replaced and 15,275 corrections made.

15. Despite a significant deterioration in security, particularly in the south and parts of the east of the country, the Joint Electoral Management Body has managed to keep the technical preparations for the elections on track. Offices are fully operational in the eight regional centres and the 34 provinces. On election day, between six and seven thousand polling sites will operate simultaneously across the country.

16. The decision of the European Union to send electoral observers and that of the Organization for Security and Cooperation in Europe to deploy an electoral support mission to Afghanistan are positive developments. Other organizations — both domestic and international — have indicated their willingness to participate in the observation effort. The deployment of thousands of domestic observers under the coordination of the Foundation for Free and Fair Elections is especially encouraging.

17. In April, the Afghan Independent Human Rights Commission and the United Nations Assistance Mission in Afghanistan (UNAMA) resumed their joint effort, successfully undertaken for the 2004 election, to evaluate the extent to which political rights can be freely exercised. Three reports will be issued before the election. The first, issued on 29 June, addresses the candidate nomination process.

Although some violations of political rights were confirmed, the report finds no evidence of any systematic pattern of violations. Nevertheless, the report also indicates that there is a broad fear of intimidation and a perception that the ability of citizens to exercise political rights may be increasingly limited as the process continues.

18. The official electoral campaign will begin on 17 August. Meanwhile, civic education efforts are under way to familiarize Afghans with the voting procedures. This has been particularly challenging in remote and insecure areas.

19. Polling day will be followed by counting, which will take place at the provincial level. Measures are being planned to grant observers access to this delicate phase of the process. Counting will be followed by a complaints and adjudication period, and then by the certification of results. In accordance with article 24 of the Electoral Law, the newly elected provincial councils must assemble and elect their representatives to the upper house or Meshrano Jirga no later than 15 days after the certification of results. The Meshrano Jirga will also include 17 members appointed by the President. The process concludes with the inauguration of the National Assembly.

20. Funding continues to be a crucial factor for keeping the elections on track. It is essential that funds committed or pledged are paid, to ensure the smooth implementation of the electoral operation. It is a matter of deep concern that, with the elections just weeks away, a funding gap of some $31 million remains. I appeal to donors urgently to make additional pledges so as to avoid any slippage in the technical preparations for the elections.

B. The institutional agenda of the Bonn Agreement

21. The Bonn Agreement prescribes the establishment of several key institutions to guide the process towards its ultimate goal of lasting peace, stability and respect for human rights. Some of these institutions, such as the Loya Jirga Commission and the Constitutional Commission have fulfilled their purpose and have been disbanded. Others, such as the justice commission (see paras. 43-47 below), the civil service commission and the Afghan Independent Human Rights Commission (see paras. 48-50 below) have played an important role in promoting the goals of the Bonn Agreement. Still others, such as the central bank (Da Afghanistan Bank), while not explicitly prescribed in the Bonn Agreement, have been created or revived to meet obvious needs that have emerged in the post-Bonn period.

22. While the Government has taken important initiatives to reform civil administration at the central level, reforms below that level have proved more difficult. In particular, insufficient resources have been dedicated to developing effective public administration at the provincial and district levels. Although the Constitution does not envisage a significant devolution of authority away from the centre, provincial and district institutions are essential for both government planning and service delivery. At the present time, these institutions are not in a position to execute many of these functions. This is largely due to a lack of capacity and the existence of corruption.

23. To address these problems, the Government, the United Nations and donors are currently engaged in discussions on the public administration reform strategy.

Additional initiatives are required to build up the central Government's capacity to: (a) coordinate and plan at the provincial level; (b) ensure that social services are delivered and (c) reflect local needs in the central Government's planning processes. The architecture of provincial and district administration, including the respective roles and responsibilities of the elected provincial and district councils, will need to be addressed by the future parliament.

24. Aside from lack of capacity and corruption, the uncertain security environment has also impeded the development of effective government institutions at the provincial and local levels. Reform of the security sector has therefore been one of the most important and challenging items on the institutional agenda.

I. Security sector institutions

25. The Bonn Agreement requested the international community to assist in the integration of the mujahideen into the new Afghan security and armed forces, to help establish and train these forces and to assist in combating the cultivation and trafficking of illicit drugs. Since 2002, a five-pillar security reform agenda, with a "lead nation" coordinating each reform activity, has been pursued.

Disarmament, demobilization and reintegration

26. On 22 February 2003, the Afghanistan's New Beginnings Programme was established by the Government (with Japan as lead nation supported by UNAMA and the United Nations Development Programme (UNDP)) to disarm, demobilize and reintegrate members of the Afghan Military Forces. Implementation of the programme began in October 2003, following an initial reform of the Ministry of Defence. Some 16 months later, on 7 July 2005, the disarmament and demobilization portion of the programme ended, with more than 63,380 Afghan Military Forces troops (all ranks) disarmed. Of these, more than 59,290 have been successfully demobilized and more than 57,590 have chosen to enter (and in some cases have completed) the reintegration process in the following areas: the agricultural sector (43 per cent), in vocational training or direct job placement, such as in carpentry, metal work or tailoring (25 per cent), small business (21 per cent), the Afghan National Army or the Afghan National Police (5 per cent), demining (5 per cent) and education (1 per cent).

27. The Afghanistan's New Beginnings Programme has enabled the Government to remove all Afghan Military Forces personnel from the payroll of the Ministry of Defence, resulting in an estimated saving to the national budget of a recurrent cost of over $120 million and effectively dissolving the Afghan Military Forces. The Afghanistan's New Beginnings Programme is now focused on ensuring the sustainable reintegration of ex-combatants into their communities and the legal economy. This includes a project to monitor and evaluate the progress made by ex-combatants who have completed the reintegration programme (12 per cent to date). Additional support of $21 million will be required by the Programme to complete ongoing reintegration efforts, carry out an ammunition survey and implement the project to disband illegal armed groups (described in greater detail below).

28. A crucial outcome of the disarmament, demobilization and reintegration process has been the safe removal and cantonment of over 10,880 heavy weapons. Cities such as Jalalabad, Kandahar, Gardiz, Mazar-e Sharif and Bamian are now largely free of operational heavy weapons. The cantonment of these weapons,

coupled with the demobilization of the Afghan Military Forces, has reduced opportunities for factions to engage in clashes of the scope and intensity that affected the northern provinces in the period 2002-2004, and the western provinces last year.

29. Progress made on disarmament, demobilization and reintegration has helped improve the political environment for the organization of meaningful elections. Moreover, the disarmament, demobilization and reintegration process, together with the creation of the Afghan National Army, has furthered the goal of ensuring that military assets and weaponry belong to the State of Afghanistan alone, for the protection of national sovereignty.

30. Progress has been made in the design of the successor project to disarmament, demobilization and reintegration, the disbandment of illegal armed groups. These groups, which are not on the payroll of the Ministry of Defence, exist throughout the country and threaten the ongoing efforts to establish the rule of law and order at all levels. An exercise to map and categorize these groups, undertaken by the Afghan authorities with the support of international military forces and UNAMA, identified some 1,800 illegal armed groups and their commanders on the basis of their involvement in one or more of the following activities: political intimidation, drug trafficking and threats to good governance. The findings of the mapping exercise served as an important tool in the vetting of candidates for the elections, and the risk of disqualification due to linkages with armed groups served as a catalyst for potential candidates to disarm. The Government's Disarmament and Reintegration Commission decided that the disbandment of illegal armed groups programme would not provide individual incentives for disarmament. Rather, post-disarmament efforts would concentrate on enhancing security, governance, access to justice and community-based economic and social benefits.

Establishment of the Afghan National Army

31. On 1 December 2002, President Karzai signed a decree establishing the Afghan National Army. The decree brought all Afghan military forces, mujahideen and other armed groups under the control of the Ministry of Defence. The reform of the Ministry and general staff began in the spring of 2003 with the aim of creating a broad-based organization staffed by professionals from a balance of ethnic groups.

32. The training of the Afghan National Army, led by the United States of America with support from France and the United Kingdom of Great Britain and Northern Ireland, continues to progress. It currently has 25,000 trained combat troops (all ranks) and is expected to reach its target strength of 43,000 by September 2007, three years ahead of schedule, under an accelerated training programme. An increasingly capable force, ANA participates in joint combat operations with coalition forces. The composition of the Afghan National Army today mirrors the ethnic and regional diversity of Afghanistan. The building of the army has demonstrated the importance of taking a comprehensive approach to institution-building, combining selecting, vetting, equipping and mentoring with sweeping reforms in the corresponding ministry.

Police reform

33. The German-led programme for the training of police officers and non-commissioned officers began in August 2002, following the renovation of the Kabul

police academy. Regional training centres were opened in seven cities in the course of 2003 and 2004. At present, the Afghan National Police force comprises some 58,000 police officers, including border police, of whom more than 40,000 have been trained through German and United States training programmes. The current target is to have a force of 62,000 trained police officers by the end of this year.

34. In June 2005, Germany and the United States-led coalition forces proposed a major new police reform and mentoring programme — totalling around $1 billion — to the Government of Afghanistan and the international community. The new programme will draw heavily on the approach adopted for the formation of the Afghan National Army. Field mentoring and the reform of the Ministry of the Interior, including the creation of a department for police and security affairs, will be central components of the programme. Pay and rank reform, including severance packages, will be introduced to achieve parity with ANA salaries.

35. Further study will be required to identify how the future recurrent costs of the new police, including salaries, can be funded in a sustainable manner once the start-up investment has been made. Donors will need to ensure that a credible audit and quality control mechanism is introduced to maintain public confidence. Police reform must be more fully aligned with reform of the other pillars of security sector. Furthermore, the Government must take resolute measures to remove patently corrupt or incompetent senior police officials.

Counter-narcotics activities

36. The cultivation, sale and trafficking of illegal drugs poses a significant threat to the long-term security and stability of Afghanistan. The scale and proliferation of these activities undermine development, the rule of law and effective governance. The money generated from narcotics production and trafficking is used to fund crime, corruption, illegal armed groups and extremist elements. The widespread availability of drugs also tends to increase local addiction rates, contributing to the spread of diseases such as AIDS and reducing the availability of already scarce human capital in Afghanistan.

37. The nature and scale of the problem has been recognized by the Government of Afghanistan and the international community for some time. Despite their efforts to address the problem, however, Afghanistan remains the largest opium producer in the world, providing nearly 87 per cent of the world's total supply. In 2004, the illegal trade was equivalent to an estimated 60 per cent of the country's gross domestic product. The magnitude of the trade and the immense wealth that it generates suggest that combating it will be a long-term endeavour requiring a multifaceted strategy adapted to the varying conditions in individual provinces. Afghanistan must develop and implement this strategy in close cooperation with transit and recipient States.

38. The Government, with the support of the United Kingdom as lead nation, has taken a number of steps to develop a strategic framework to improve coordination among actors in the counter-narcotics effort. This framework has paid particular attention to: (a) the differing capacities of central and provincial governments; (b) linkages with the still-developing justice sector; and (c) cooperation with neighbouring countries. Following the signing of the Declaration on Counter-Narcotics at the Berlin Conference on 1 April 2004, Afghanistan and its six neighbours signed a declaration on drugs on 30 June 2004 which commits its

signatories to a series of practical measures. These include the provision of assistance in the training of the Afghan counter-narcotics police force, intelligence sharing and cooperation between border police units. In December 2004, President Karzai convened a special counter-narcotics Loya Jirga, in which the participants, representing community leaders from across the country, pledged to use their political, religious and social influence to combat the spread of illegal drugs. The following month, the Counter-Narcotics Directorate (originally established under the National Security Council) was elevated to a full ministry, the Ministry of Counter-Narcotics. The Ministry developed a counter-narcotics implementation plan in February 2005, comprising eight pillars: (a) institution-building, (b) information campaigns, (c) alternative sustainable livelihoods, (d) interdiction and law enforcement, (e) criminal justice, (f) eradication, (g) demand reduction and treatment of drug addicts, and (h) regional cooperation. The Counter-Narcotics Trust Fund was established in June 2005 to channel contributions for the implementation of this programme.

39. Drawing on lessons learned from previous efforts, this year's eradication efforts were conducted in two phases. The first phase was carried out by governors and provincial law enforcement authorities and targeted districts close to cities and markets in the provinces of Nangarhar, Laghman, Konar, Helmand and Badakhshan. The second phase brought in central government-led forces and targeted the provinces of Kandahar and Balkh, where it was felt the governors had not shown sufficient commitment in leading eradication efforts themselves. It appears that the provincial-led campaigns were relatively more successful than campaigns carried out by the central government forces. The latter met with resistance from poppy growers in some areas, resulting in casualties on both sides. Nevertheless, eradication efforts in 2005 were not as successful as hoped and the total area eradicated this year has been limited.

40. A rapid assessment survey undertaken by the United Nations Office of Drugs and Crime in March 2005 suggested a decline in cultivation in 2005 in contrast to the record levels of more than 131,000 hectares under cultivation in 2004. The final results of the survey are expected in September.

Justice sector reform

41. Following the establishment of the Judicial Reform Commission in 2002, an interim criminal procedure code has been adopted and a number of other relevant laws essential to justice reform have been enacted or drafted. With assistance from Italy (as lead nation), the United States, the European Union and the United Nations organizations, progress has also been made with respect to the training of personnel and the rehabilitation of physical infrastructure, including courts and correctional facilities.

42. During the reporting period, the Law on the Organization and Jurisdiction of the Courts came into force in June after an extensive period of consultation with the international community. The Juvenile Justice Code and the Law on Prisons and Detention Centres were also adopted. Also in June, the law graduates training programme of the Judicial Reform Commission produced, for the second year, 130 graduates, with support from UNDP. A number of justice sector facilities were rehabilitated, including the Ministry of Justice building and the Attorney-General's offices in Kabul, as well as the provincial court building in Kondoz. Work is also

under way on a new court house in Herat and in other regions, with support from the United Nations Office on Drugs and Crime. International support has also ensured that some urgent resource requirements, such as generators, computers and vehicles, have been provided.

43. The Government has gradually shifted responsibility for reform from the Justice Reform Commission to the justice sector's three permanent national institutions, the Ministry of Justice, the Attorney General's Office and the Supreme Court. These bodies coordinate their efforts through the Consultative Group for Justice, chaired by the Ministry of Justice. The Group has become an active player in shaping the sector's reform strategy, including the coordination of donor programmes. The Group, with the support of UNDP and UNAMA, is currently developing a comprehensive needs assessment which will serve as the basis for future justice sector reform efforts. The strategy which emerges will have to address a number of critical issues that have hampered reform efforts. These include: (a) the appropriate balance between capacity development and institutional reform; (b) infrastructure and communications; (c) the desired method of engagement with the mechanisms of traditional justice; and (d) developing effective linkages with police reform and counter-narcotics efforts.

44. The Ministry of Justice and the Attorney-General's Office, assisted by UNDP, completed the first stage of the Government's priority reform and restructuring process. As part of this stage, all government institutions were required to streamline their internal structures and departments and to revise their staffing plans accordingly. The Ministry of Justice has commenced the second stage of the process, which requires merit-based recruitment of all Ministry staff under the newly revised structure.

45. For its part, the Supreme Court has assumed a lead role in the training of judges through the establishment of the Judicial Education and Training Committee in June 2005. The Committee aims to develop a more coordinated approach to the planning, implementation and evaluation of training programmes for judges.

2. The Afghan Independent Human Rights Commission

46. The Afghan Independent Human Rights Commission was established by presidential decree on 6 June 2002 and its mandate was later enshrined in the Constitution (see A/58/742-S/2004/230). With a presence in 11 locations across the country, its 400 staff is comprised of experts, both men and women, from all major ethnic groups.

47. Since its inception, the Commission, with support from UNAMA, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and UNDP, has undertaken a number of important initiatives. These included the verification of the exercise of political rights prior to elections, activities in the area of transitional justice, the investigation of human rights cases, monitoring of at-risk communities and monitoring of prisons. The work of the Commission has had a positive impact on the protection and promotion of human rights. The number of violations of human rights by State actors is decreasing.

48. Nonetheless, addressing the sources of human rights abuses and the creation of an environment in which the population can enjoy the full respect of human rights will require sustained efforts over the long term. In June, the Commission, UNAMA

and OHCHR participated in a conference on peace, justice and reconciliation hosted by the Government of the Netherlands, at which the Government of Afghanistan presented ideas, developed jointly with the Commission and UNAMA, for an action plan on transitional justice to key international actors, including major donor countries. UNAMA has also encouraged the Government to broaden public participation and to build support for transitional justice through a series of consultations with civil society, including elders, religious leaders and former mujahideen. OHCHR will organize a workshop in Kabul during the autumn of 2005 on two elements of the proposed action plan: truth-seeking and reconciliation.

C. The reconstruction process

49. Over the past three and a half years, significant economic growth has taken place in the urban centres and food security has improved, with record crop yields. A national budget was developed and a new currency was adopted. Schools have reopened across the country, providing educational opportunities for 4.3 million children. The enrolment of female students is now at an all-time high level. Over three million refugees have repatriated voluntarily.

50. Despite these achievements, the economic and developmental challenges facing Afghanistan remain daunting. In July 2005, the International Monetary Fund (IMF) reported that the economy grew at a rate of 7.5 per cent in 2004/05. Although IMF considers this pace to be steady, the Government has estimated that a minimum growth rate of 9 per cent is required to achieve recovery. Government revenues are expected to average less than $400 million per year until 2008 — less than half the projected expenditures for public-sector salaries and operations. The Government is not expected to be able to cover its operating costs fully before 2013. The uncertain security situation, together with underdeveloped legal and regulatory frameworks, continues to discourage private-sector investment. Every 30 minutes, a woman in Afghanistan dies from pregnancy-related causes. Twenty per cent of children die before the age of five. Life expectancy is 44.5 years, some 20 years lower than in all of the neighbouring countries. Only 28.7 per cent of Afghans over the age of 15 are literate and two million children (1.25 million girls) are still out of school. As a consequence of the limited access to safe drinking water and adequate sanitation (23 and 12 per cent of the population, respectively) preventable diseases remain prevalent.

1. Development frameworks

51. The Bonn Agreement requested the assistance of the international community with the rehabilitation, recovery and reconstruction of Afghanistan. Specific targets and benchmarks, however, were not provided to guide the reconstruction agenda. Since 2002, the international community has disbursed a total of $8.4 billion in assistance to Afghanistan.

52. The Government has made progress in strengthening the accountability of public-sector administration and has succeeded in meeting most of the IMF and World Bank benchmarks related to fiscal management. In 2003, the first national development framework laid out the Government's broad development objectives. These objectives encouraged a shift away from immediate humanitarian assistance

towards longer-term social protection programmes in order to lay the groundwork for a sustained economic recovery.

53. The Government's increasing leadership and capacity in defining national priorities led to a substantial re-costing exercise. The Government document entitled "Securing Afghanistan's future", presented to donors at the 2004 Berlin Conference, set economic growth targets in alignment with the Millennium Development Goals and defined public-sector spending priorities for the next seven years. It also highlighted that the development and rehabilitation needs of Afghanistan far exceed the preliminary estimates to which donors generously committed themselves at the International Conference on Reconstruction Assistance to Afghanistan, held in Tokyo in January 2002.

54. In December 2004, President Karzai created the Ministry of the Economy to take over responsibility for economic planning from the Ministry of Finance. The third annual Afghanistan Development Forum was held from 4 to 6 April 2005, with the participation of over 300 delegates from the Government and the international donor community. Presentations and discussions at the Forum revealed a division of views about how best to promote economic growth. Some participants preferred a vision of Afghanistan as a bridge between central, south and east Asia, profiting from trade and customs and its geographic location, and prioritizing private sector development and large-scale infrastructure investment. Others argued that Afghanistan was likely to remain a predominately agricultural economy and would benefit most from development strategies which focused on that sector.

55. To address concerns within the Government regarding the extent of the operations of non-governmental organizations (NGOs), President Karzai signed an executive decree on 15 June excluding NGOs from participating in construction projects and contracts. Exceptions can be granted by the Ministry of the Economy on a case-by-case basis at the request of a donor country. In accordance with the decree, the re-registration of NGOs has started and is expected to last for six months. At present, there are an estimated 2,500 NGOs, including 350 foreign NGOs, operating in Afghanistan.

2. Humanitarian developments

56. Faced with the aftermath of years of conflict, the Government of Afghanistan has received extensive assistance from the international community in the delivery of basic social services to poor and vulnerable populations. The United Nations has played a key role in responding to humanitarian crises, including through the provision of shelter, food aid and other life-saving measures. A smooth transition from relief to recovery has, however, been hampered by natural disasters (six years of continuous drought were followed in 2005 by extensive flooding), internal displacement, land rights issues and urban pressures due to the large influx of returnees. A lack of public-sector capacity and access to vulnerable populations has hindered attempts at a comprehensive response to these issues.

57. The Government has increasingly assumed responsibility for disaster relief and humanitarian assistance. The Ministry of Rural Rehabilitation and Development has taken the lead in disaster-response management. Areas of activity have included the coordination of drought mitigation and winterization programmes, as well as assistance to flood victims. Most recently, the Ministry coordinated the Government's response to nationwide floods in the spring and summer of 2005.

Rains in March and April particularly affected Oruzgan, Ghazni and Jowzjan provinces, notably resulting in the bursting of the Ghazni dam on 29 March. A second round of floods occurred in May and June, affecting the north-east and east. The province of Badakhshan was particularly hard-hit, causing significant population displacement. Flooding also affected Kapisa, Konar and Nangarhar provinces in the east and Bamian, Sar-e Pol, Kondoz, Samangan and Balkh provinces in the central and north-western regions.

58. The disaster-response mechanisms developed jointly by the Government and UNAMA have grown increasingly effective in collecting information on and facilitating the response to humanitarian crises. The provincial disaster committees have brought together central and provincial government, NGOs and United Nations agencies to devise a coordinated response in affected provinces. Their work has been assisted through the collection and dissemination of information by a centralized body, the Joint Operations Center. With respect to the recent floods, the Center reported that 13,637 families had been affected, that there had been 332 deaths and 4,192 injuries, and that 12,672 houses had been destroyed, close to 11,000 livestock killed and over 11,000 hectares of agricultural land spoiled. In response, the Office for the Coordination of Humanitarian Affairs authorized the release of $120,000 from the Emergency Reserve Grant and UNICEF has begun the distribution of non-food items donated by Norway.

59. On 28 June, the Tripartite Agreement between Afghanistan, the Islamic Republic of Iran and UNHCR for voluntary repatriation of Afghan refugees and displaced persons was renewed until the end of 2006. Since the programme began, in March 2002, over three million individuals have returned to Afghanistan (2,377,322 from Pakistan; 783,541 from the Islamic Republic of Iran; 11,198 from other countries). The returns from Pakistan continue at more or less the same pace as in previous years, whereas those from the Islamic Republic of Iran have slowed down.

III. Security

A. Security situation

60. Throughout the Bonn process, the security environment has continued to be of paramount concern. From 2002 to 2004, powerful commanders and their militias, dominated the security environment. Narcotics trade and related criminal activities also expanded rapidly. More recently, there have been troubling indications that remnants of the Taliban and other extremist groups are reorganizing. The unusually severe winter of 2004-2005 brought about a relative calm (see A/59/744-S/2005/183). Although most observers had expected a resumption of violence in the spring, the extent and reach of the violence have exceeded the levels of previous years. Afghanistan today is suffering from a level of insecurity, especially in the south and parts of the east, not seen since the departure of the Taliban. The growing influence of non-Afghan elements in the security environment is of particular concern.

61. Since the issuance of my previous report, the level of insurgency in the country has risen, as has the sophistication of the insurgents' weaponry. Their tactics are more brutal and effective and have been expanded to target community leaders.

They are better organized, better funded and more clearly aim to destabilize the Afghan political transition. Their attacks range from the use of improvised explosive devices, targeted killings and small ambushes, to more open confrontations with Afghan and international security forces. A comparison of mine and improvised explosive device attacks carried out in the south and south-east in May 2004 and May 2005 shows a 40 per cent increase in May 2005. Furthermore, only 50 per cent of the attacks in May 2004 caused damage, injury or loss of life, compared to 80 per cent in May 2005. In recent months, several major weapons caches have been discovered by the Afghan authorities and international forces.

62. The southern and parts of the eastern regions of the country have borne the brunt of the recent upsurge in violence. Attacks by extremist elements (including elements claiming allegiance to the Taliban and Al-Qaida) take place on an almost daily basis. In a significant departure from their previous tactics, which focused on provincial authorities, international and national forces and election workers, insurgents are now also targeting local communities and their leaders. Since 29 May, four pro-government clerics have been murdered in separate incidents; one cleric was beheaded outside his religious school in Paktika province. On 1 June, at the memorial service for a cleric who had been assassinated a few days earlier, a suicide bomber detonated a massive charge in a mosque in Kandahar province, killing more than 40 people, including the chief of police of Kabul province.

63. An increasing number of attacks against members of the international community has resulted in significant reductions in or, in some cases, suspension of activities. After attacks on 19 and 20 May resulted in the deaths of 11 national staff of Chemonics, a subcontractor for an alternative livelihood programme, in Zabol province, the company suspended its activities. Three separate improvised explosive device attacks on deminers resulted in the temporary suspension of their activities also. On 1 June, two deminers were killed and five were injured when their vehicle was bombed on the outskirts of Grishk city, Helmand province; on 29 May, another demining team was the subject of a bomb attack, fortunately without casualties; and on 18 May three demining staff were killed in a roadside attack in Farah province. In Kabul, a number of serious attacks against international workers have occurred in recent months. The most serious were the suicide bombing of an Internet café on 7 May, in which two Afghans and one international worker were killed, and the abduction on 16 May of a Care International aid worker, who was subsequently released on 9 June. On 2 July, a vehicle convoy, including UNAMA personnel, was the target of an improvised explosive device attack in Paktika province which resulted in the deaths of five Afghan police officers and two Afghan Military Forces personnel.

64. The Afghan National Army and the coalition forces have intensified their operations in the south and parts of the east of the country, engaging insurgents in often prolonged combat. In an incident lasting several days in late June, coalition and Afghan National Army forces engaged in an operation in Kandahar and Zabol provinces that resulted in the deaths of at least 80 suspected insurgents. On 28 June, a coalition forces helicopter was brought down by enemy fire near Asadabad in Konar province. All 16 troops on board were killed. On 9 July, an Afghan National Police patrol was ambushed in Helmand province, leaving at least 10 policemen dead, of whom six had been decapitated.

65. In the north, north-east, central highlands, central and most of the western region minor factional clashes and criminal activity continued to be reported.

However, on 11 May a public demonstration of more than 1,000 people was begun in Jalalabad (Nangarhar province) to protest against the arrest by the coalition forces of three Afghans and the alleged desecration of the Holy Quran at the United States detention centre in Guantanamo. The demonstration quickly turned violent and protestors attacked several United Nations and NGO premises, causing widespread damage to offices and guest houses. The protest spread over three consecutive days, with violent demonstrations being held in the provinces of Badakhshan, Konar, Vardak, Lowgar, Gardez and Badghis. Several casualties were reported among the population and the police. Peaceful demonstrations were also held in the capital and in a few other provinces.

66. With regard to electoral security, there have been multiple attacks during the reporting period against local Joint Electoral Management Body employees and other Afghan electoral workers. At least four Afghan electoral workers were killed and another two injured in six separate security incidents. In a seventh incident, two electoral workers were temporarily abducted. Various measures have been put in place by international military forces and the Government to help contain any upsurge in violence over the next few months and to mitigate security risks to which the electoral process may be exposed. These measures are modeled on those put in place during the presidential elections and draw on lessons learned during those elections.

67. The increased insecurity has had a direct impact on reconstruction, economic development and the expansion of State authority, particularly in the south and east, which account for an estimated one third of the country.

B. International Security Assistance Force commanded by the North Atlantic Treaty Organization

68. In annex I to the Bonn Agreement the Security Council was requested to authorize the deployment of a United Nations-mandated force that would assist in the maintenance of security in Kabul and that could, as appropriate, be progressively expanded to other areas. This multinational force, the International Security Assistance Force (ISAF), was deployed to Kabul in January 2002, under the lead of the United Kingdom, in accordance with Security Council resolution 1386 (2001) of 20 December 2001. The positive effect of the ISAF presence in Kabul was immediate and welcome. ISAF continued to play a major role in maintaining the peace in Kabul. It played a crucial role in assisting the Bonn process by providing security during the emergency Loya Jirga in June 2002. Following the emergency Loya Jirga, the United Kingdom handed over the lead to Turkey for six months, whose command was followed by a joint command of Germany and the Netherlands. In August 2003, the North Atlantic Treaty Organization (NATO) assumed command of ISAF indefinitely.

69. Since 2002, the Afghanistan authorities and the United Nations have been calling for the expansion of ISAF beyond Kabul to other urban areas. In early 2003, members of the international coalition in Afghanistan began to deploy provincial reconstruction teams outside of Kabul. These teams assisted in establishing security in the areas of their deployment to facilitate the establishment and work of provincial administrations and development organizations and to promote the rule of law.

70. While welcoming the innovation of the deployment of provincial reconstruction teams, the Government of Afghanistan and the United Nations continued to view them as an insufficient response to the enduring problem of insecurity beyond Kabul. In October 2003, by its resolution 1510 (2003) of 13 October 2003, the Security Council authorized the expansion of ISAF beyond Kabul. This expansion took the form of ISAF assuming control over provincial reconstruction teams, beginning with the German-led team in Kondoz, in north-eastern Afghanistan. ISAF committed itself to taking over provincial reconstruction teams in a counter-clockwise direction, beginning in the north-east.

71. A number of provincial reconstruction teams were established in southern Afghanistan. These teams remain under coalition control and are located in areas where combat operations continue against anti-government elements. Under the NATO plan, ISAF would assume control of these teams in 2006, on the assumption that the need for combat operations in the south would diminish.

72. During the reporting period, Turkey handed over ISAF command to Italy on 4 August 2005. In accordance with the agreed schedule, ISAF began the second stage of its expansion with the establishment on 31 May 2005 of ISAF Regional Command West, under Italian command. This is the first of three planned ISAF regional commands and will include four provincial reconstruction teams (Herat, Farah, Chaghcharan and Qal'eh-ye Now). Once the expansion to the west is completed, the ISAF area of operations will cover 50 per cent of the country.

73. As the expansion of ISAF proceeds, NATO troop-contributing countries are strongly encouraged to adopt common and robust rules of engagement which will make possible the optimum utilization of resources and enhance ability to respond to situations as they arise. This capability is vital.

74. The decision by NATO to deploy additional troops and assets for the forthcoming elections is most encouraging. I trust that they will be deployed well ahead and well beyond the elections.

IV. Post-electoral agenda

75. The implementation of the political processes enshrined in the Bonn Agreement and the significant presence and backing of the international community since the beginning of 2002 have not resulted in an even, country-wide improvement of security and stability. Parts of the country are still severely affected by open violence and an aggressive insurgency, hampering the establishment of governance structures and the implementation of reconstruction work. These achievements and shortcomings provide the background for discussion of the future role of the international community, and that of the United Nations, in the reconstruction of Afghanistan.

76. In June 2005, the Government of Afghanistan and UNAMA initiated discussions regarding cooperation between Afghanistan and the international community after the holding of the parliamentary election in September. They reiterated that the close partnership between Afghanistan and the international community which has characterized the past three and a half years should continue. In particular, the Government and UNAMA recognized that sustained international support was required over the coming years with a view to the achievement of

security, full disarmament, justice and a competent civilian administration in all provinces. They also recognized that the support of the international community was essential for the implementation of a robust development strategy that could benefit all Afghans and help rid the country of narcotic drugs; for the full implementation of the Afghan Constitution; and for the promotion of the human rights of the men and women of Afghanistan.

77. The Government of Afghanistan and the United Nations also stressed that, based on the experience of the past three years, the implementation of some key principles would contribute to enhancing further the cooperation between the Government and the international community. These key principles include:

(a) The leadership role that the Islamic Republic of Afghanistan must play in all aspects of the reconstruction process;

(b) The need for a just allocation of domestic and international reconstruction resources across the country;

(c) The critical contribution that countries of the region can make; and the value of the peace process in Afghanistan for strengthening relationships within the region;

(d) The need to ensure that international efforts serve to build lasting capacity and sustainable institutions;

(e) The importance of combating corruption and ensuring public transparency and accountability in the allocation of resources;

(f) The value of public information and participation in order for the goals of the post-election agenda to be fully understood and achieved;

(g) The continued role of the United Nations in the consolidation of peace in Afghanistan.

78. The Government of Afghanistan and the United Nations agreed that the discussion of the post-election agenda offered a unique opportunity for a broad dialogue between Afghanistan and the international community, and in particular the countries of the region. It also offers an opportunity for a broad dialogue within the country, which would pave the way for the endorsement of the post-electoral agenda by the National Assembly.

V. Observations

79. The Bonn process has enjoyed some remarkable achievements, in particular the transition to elected political institutions which is to be completed in a few weeks with the holding of parliamentary and local elections. These achievements are a credit to the steadfastness of the Afghan people as they struggle to emerge from the devastation of more than two decades of war. It is also a tribute to the partnership between the Government of Afghanistan and the international community, including the military forces, in which there has been a high degree of cooperation and support.

80. As Afghanistan continues to prepare for the September elections, I trust that its people will once again show their keen interest in the democratic process and will participate massively in the polls. Over 5,000 registered candidates and a million

and a half newly registered voters are positive indications in this respect. Nevertheless, the Government and the international security forces must remain extremely vigilant with regard to all sources of intimidation and violence against voters and candidates.

81. The completion of the political transition is a vital step, but this alone will not be sufficient for the establishment of lasting peace in Afghanistan. Security, effective institutions and development will require time and concerted efforts, to build upon the political achievements of the past three and a half years. In fact, failure to make rapid progress in these fields can only undermine the newly created political institutions. The objective — to restore peace and stability in Afghanistan in very difficult circumstances, internal and external, inherited from the past — remains to be met.

82. In this respect, and as I have done throughout the past three years, I want to underline once again the issue of insecurity. It is impossible to overestimate the importance of restoring security in Afghanistan as a condition for the sustainability of the peace process. Significant progress has been made in a variety of areas. In particular, factional clashes — a prominent feature of insecurity three years ago — have become a localized issue and are no longer a threat to national security. The success thus far of the disarmament, demobilization and reintegration programme has made an important contribution to the future stability of the country. By contrast, regrettably, extremist violence has not diminished. It has, in fact, increased and it continues to thwart the basic aspirations of Afghans who seek peace, stability and a normal life after decades of war. For too long, the Afghan people have patiently waited for a "peace dividend". It is time for the security situation to be addressed resolutely. This requires military action, carefully calibrated to ensure that it does not add to the population's suffering. The insurgency's sources of funding, training and safe havens must also be effectively addressed.

83. There is no simple answer to the problems of extremist violence and terrorism. The Government of Afghanistan must do its share to address them, in particular by tackling forcefully official corruption and ineffectiveness, which undermine the population's confidence in Government institutions. Domestic and international agencies involved in reconstruction must continue to do their best in what are, in several provinces, difficult security conditions. But this will not suffice to curb extremists whose internal political isolation, demonstrated time and again since the beginning of the Bonn process, has not prevented them from finding, year after year, financial resources and facilities to mount increasingly violent attacks against Afghan Government officials and communities. The Taliban and Hezb-Islami-Gulbuddin Hekmatyar are not autonomous operations; their external sources of support must be tackled if Afghanistan is to be spared the prospect of a lasting insurgency with unpredictable consequences, for the country and for the region as a whole.

84. Even without the burden of violent insurgency, the reconstruction of Afghanistan faces a truly formidable combination of challenges, including the pervasive drug economy, some of the worst social and economic indicators in the world and the consequences of what was one of the deadliest confrontations of the Cold War. It will no doubt require long-term commitment on the part of the international community to see this process to a successful conclusion. The international donor community must resist the temptation to move on after the

holding of the elections. The international security partners of Afghanistan must continue their assistance until, as mentioned in the Bonn Agreement, Afghan security institutions are fully established and functional. The countries of the region, and beyond, should keep in mind that a stable Afghanistan, free of extremist violence in what is still a volatile environment, remains vital to international peace and security. Having established a transitional government, adopted a new constitution and held their first democratic elections, the Afghan people have proved wrong those who deemed them unable to put behind them the destructive divisions of the past. With our help, they can still surprise public opinion with their determination to embrace opportunities offered to them for the first time in decades. It is our duty to do everything in our power to make this possible.

85. With the holding of September's parliamentary elections, the United Nations mandate in support of the Bonn political process will have been completed. Following the elections, I intend to initiate a process of consultations with the Government of Afghanistan and all concerned international actors to determine the post-electoral agenda. It will require, at a minimum, the unity of purpose demonstrated by Afghanistan and the international community at the signing of the Bonn Agreement on 5 December 2001. It will also require enhanced coordination of efforts in support of an increasingly Afghan-led process. Once the process of consultation is concluded, and prior to the expiration of the UNAMA mandate in March 2006, I intend to revert to the Council with specific proposals for the future role of the United Nations in Afghanistan.

86. In conclusion, I would like to convey my sincere appreciation to the Security Council and other Member States for their continued support to Afghanistan. I would also like to pay tribute to the dedicated efforts of my Special Representative, and to the men and women of UNAMA and its partner organizations for their outstanding efforts, under difficult and often dangerous conditions.